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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,433	02/06/2001	Joseph E. Kaminkow	29757/P-275	3232

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EXAMINER

COBURN, CORBETT B

ART UNIT PAPER NUMBER

3714

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/777,433	Applicant(s) KAMINKOW, JOSEPH E. CN	
	Examiner Corbett B. Coburn	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 119-127 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 119-127 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Examiner thanks Applicant for providing a marked up copy of the claims showing the changes made. This has a significant and positive impact on the Examiner's ability to do a complete, thorough, and timely job in processing the amendment. Your cooperation is greatly appreciated.

2. Claims 119 – 127 are currently pending in this case.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 120, 124 & 126 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for either virtual input devices or touch screens, does not reasonably provide enablement for virtual input devices and touch screens. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. Applicant describes a system in which the user uses a pointing device such as a gun or helmet to control the cursor on the screen. Applicant also describes a touch screen system. Applicant does not describe using the two systems together. Applicant does not, for instance describe the user making selections with the pointing helmet by butting his head against the screen. While the image of a line of slot machine players with beaked helmets making selections by pecking at the touch screen like a flock of chickens feeding is tremendously comic (and rather appealing), this is not described by the Applicant. Nor does Applicant describe touching the screen with any of the other virtual

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objects. For the purposes of examination, Examiner will treat the touch screen embodiment as equivalent to the various virtual object embodiments.

Claim Rejections - 35 USC § 103

5. Claims 119-127 rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. (US Patent Number 5,816,918) in view of Huang (US Patent Number 5,605,504).

Claims 119, 120, 122, 124-127: Kelly teaches an electronic gaming unit (52) for allowing a user to play at least one video game selected from the group of video games consisting of video poker, video slots, video blackjack, video bingo and video keno. Kelly teaches video slots and card games. (Col 7, 35-39) There is a display unit (56) that is capable of generating color images. There is a currency-accepting mechanism (14) that is capable of allowing the user to deposit a medium of currency. There is a user input device (16) comprising a virtual object, the virtual object being at least one selected from the group of virtual objects comprising: a virtual magic wand shaped like a magic wand; a virtual remote control shaped like a remote control; a virtual pointing helmet shaped like a pointing helmet; a set of virtual pointing goggles shaped like a set of pointing goggles; a virtual pointing glove shaped like a pointing glove; and a virtual gun shaped like a firearm and having a portion shaped like a trigger. Kelly discloses a gun & touch screen. (Col 7, 4-9) There is a controller (12) operatively coupled to the display unit (56), the currency-accepting mechanism (14) and the virtual object (16). (Fig 1) The controller includes a processor (28) and a memory (30) operatively coupled to the processor. (Fig 1a) The controller is programmed to allow the user to make a wager after the currency-accepting mechanism detects deposit of currency by the user. The

controller is programmed to cause a sequence of video images to be generated on the display unit after the currency-accepting mechanism detects deposit of currency by the user, the sequence of video images representing a video game selected from the group of video games consisting of video poker, video slots, video blackjack, video bingo and video keno, at least one of the images comprising an image of at least three playing cards if the video game is video poker; at least one of the images comprising an image of a plurality of simulated slot machine reels if the video game is video slots; at least one of the images comprising an image of a plurality of playing cards if the video game is video blackjack; at least one of the images comprising an image of a bingo grid if the video game is bingo; and at least one of the images comprising an image of a keno grid if the video game is keno. Kelly teaches displaying a slot machine game that must include slot machine reels. (Col 8, 13-18) Kelly also teaches a card game that must inherently include displaying the proper number and arrangement of cards. The controller is programmed to cause the virtual object to provide feedback to the user through the virtual object when a selectable item is selected. (Col 7, 64 – Col 8, 4) The controller is programmed to determine, after the sequence of images has been displayed, an outcome of the video game represented by the sequence of images and to determine a currency payout associated with the outcome of the video game. (Col 8, 19-31) Kelly does not teach the controller being programmed to cause a portion of the said images to be highlighted in response to the user pointing the virtual object at the portion of said images.

Huang teaches a card game, lottery games, & a keno game in which the controller is

programmed to cause a portion of the game images to be highlighted in response to the user selecting (i.e., pointing at) the portion of game images. (Col 11, 59-63) Huang teaches that this allows more activity for the player, thus increasing the popularity of the game. (Col 2, 65-67) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kelly in view of Huang to program the controller to cause a portion of the game images to be highlighted in response to the user selecting (i.e., pointing at) the portion of game images in order to allow more activity for the player, thus increasing the popularity of the game.

Claim 121, 123: Kelly teaches that the controller is programmed to cause a set of cross-hairs to be displayed on one of the images in response to the user pointing the virtual object at a portion of the display device. Fig 5b teaches cross-hatching an icon when the player points at it. This is essentially displaying cross-hairs. Huang teaches highlighting – this is also essentially displaying cross-hairs.

Response to Arguments

6. Applicant's arguments with respect to claims 119-127 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Reference Name	US Patent Number	Applicability
McNabola	6,368,213	Keno highlights selections
Embach	4,885,565	Touch screen with tactile feedback
Rosenberg et al.	6,429,846	Touch screen with tactile feedback


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Jessica Harrison can be reached on (703) 308-2217. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


cbc


JESSICA HARRISON
PRIMARY EXAMINER